

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

THE TRUSTEES OF PURDUE UNIVERSITY,

Plaintiff,

v.

STMICROELECTRONICS, INC.,
STMICROELECTRONICS INTERNATIONAL N.V.,

Defendants.

CIVIL NO. W-21-CV-00727-ADA

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 474. The Report recommends that this Court:

- **DENY** Plaintiff's Motion for Leave to File Motion to Strike Defendants' Inequitable Conduct Defenses (ECF No. 260).
- **GRANT** Defendants' Motion to Strike Plaintiff's Untimely Invention Date Disclosure and Preclude Reliance Thereon (ECF No. 290).
- **DENY AS MOOT** Defendants' Motion to Strike Plaintiff's Improper "Supplement" Allegedly In Support of Plaintiff's Motion for Leave to File Motion to Strike Defendants' Inequitable Conduct Defense (ECF No. 328).
- **GRANT** as unopposed Defendants' Motion for Partial Summary Judgment that Asserted Claims are Not Entitled to Provisional Filing Date (ECF No. 348).
- **DENY** Defendants' Motion for Partial Summary Judgment of No Pre-Suit Damages (ECF No. 349).

- **GRANT-IN-PART** Defendants' Motion to Strike Improper Sur-Rebuttal Reports Served At and after the Close of Expert Discovery (ECF No. 350).
- **GRANT** Defendants' Motion for Partial Summary Judgment of No Infringement Under the Doctrine of Equivalents (ECF No. 351).
- **DENY** Defendants' Motion for Partial Summary Judgment That Claim 10 is Indefinite (ECF No. 352).
- **DENY** Defendants' Rule 702 Motion to exclude Portions of the Expert Opinion of Stephen A. Holzen (ECF No. 353).
- **DENY** Defendants' Motion to Partially Strike the Expert Reports of Dr. James A. Cooper and Dr. Sarit Dhar (ECF No. 354).
- **GRANT-IN-PART** Defendants' Motion to Strike the Expert Report and Testimony of Plaintiff's Purported Patent Law Expert Teresa Rea (ECF No. 355).
- **DENY** Defendants' Motion to Strike Plaintiff's Improper Rebuttal Expert Report and Testimony of Mr. Greg Jackson (ECF No. 356).
- **DENY** Defendants' Rule 12(b)(1) Motion to Dismiss for Lack of Standing (ECF No. 357).
- **DENY** Plaintiff's Motion to Strike Expert Opinions of Dr. Lori Lipkin Regarding Materiality (ECF No. 358).
- **ADOPT** certain constructions for terms raised in Plaintiff's Motion for Supplemental Claim Construction (ECF No. 360).
- **DENY** Plaintiff's *Daubert* Motion to Exclude Testimony of Dr. Dean Neikirk (ECF No. 362).

- **DENY** Plaintiff's Motion for Partial Summary Judgment that Certain Art was Not Publicly Available (ECF No. 364).
- **GRANT-IN-PART** Plaintiff's Motion for Partial Summary Judgment Regarding Defendants' Affirmative Defenses (ECF No. 366).
- **DENY** Plaintiff's *Daubert* Motion to Exclude the Testimony of Defendants' Damages Expert Stephen L. Becker (ECF No. 368).
- **DENY** Plaintiff's Motion to Strike and Exclude Unreliable Opinions of Dr. Sylvia Hall-Ellis Concerning Public Availability (ECF No. 369).
- **DENY** Defendants' Motion to Disqualify Michael Shore if Plaintiff's Recent License Agreements are Not Excluded (ECF No. 395).

The Report and Recommendation was filed on October 16, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on October 18, 2023. ECF No. 476. Defendant filed a series of objections from October 24, 2023 to October 30, 2023. ECF Nos. 480–85. Defendant responded to Plaintiff's objections on November 1, 2023. ECF No. 489. Plaintiff responded to Defendant's objections on November 7, 2023. ECF No. 490. Plaintiff replied in support of its objections on November 8, 2023. ECF No. 492.

The Court has conducted a *de novo* review of the various motions, the responses, the report and recommendation, the objections to the report and recommendation, the response and reply briefs regarding the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

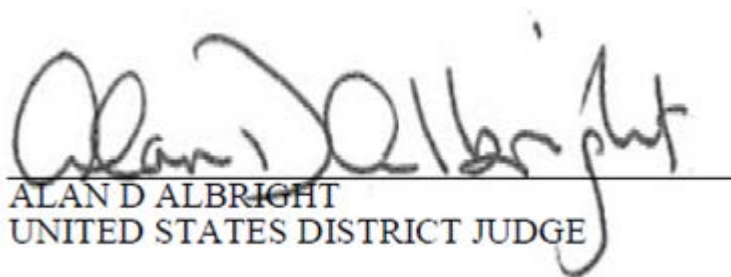
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 474, is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' objections are **OVERRULED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FINALLY ORDERED that Plaintiff's and Defendants' motions (ECF Nos. 260, 290, 328, 348–58, 360, 362, 364, 366, 368–69, 395) are resolved in accordance with the Report and Recommendation.

SIGNED this 9th day of November, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE